

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

EULA A. LASSITER,

Plaintiff,

v.

**MICHAEL J. ASTRUE,
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-07-415-SPS

**OPINION AND ORDER REMANDING CASE
FOR FURTHER ADMINISTRATIVE PROCEEDINGS**

The Plaintiff sought disability benefits under Title II of the Social Security Act, 42 U.S.C. §§ 401-434, and supplemental security income benefits under Title XVI of the Social Security Act, 42 U.S.C. §§ 1381-1394. The Commissioner denied benefits and the Plaintiff appealed pursuant to 42 U.S.C. § 405(g), alleging that the Administrative Law Judge (the “ALJ”) erred in failing to properly evaluate the opinion of Dr. Martin L. Stokes, M.D., and in considering the Plaintiff’s residual functional capacity to perform her past relevant work. The Commissioner concedes that the ALJ erred and has filed an Unopposed Motion to Reverse and Remand [Docket No. 15] to permit proper administrative consideration of the issues. The Plaintiff does not object to the remand. The Court finds that the Commissioner’s decision is not supported by substantial evidence and should therefore be reversed.

Accordingly, the Commissioner’s Unopposed Motion to Reverse and Remand [Docket No. 15] is hereby **GRANTED**. The decision of the Commissioner is hereby

REVERSED and the case **REMANDED** to the ALJ for further administrative proceedings pursuant to the fourth sentence of 42 U.S.C. § 405(g).

IT IS SO ORDERED this 29th day of July, 2008.



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE